

**SAPIR & FRUMKIN LLP**

ATTORNEYS AT LAW

399 KNOLLWOOD ROAD, SUITE 310  
WHITE PLAINS, NEW YORK 10603  
WRITER'S E-MAIL: WFRumkin@sapirfrumkin.com

DONALD L. SAPIR  
WILLIAM D. FRUMKIN\*

TEL: (914) 328-0366  
FAX: (914) 682-9128

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ELIZABETH E. HUNTER\*\*  
BINDU KRISHNASAMY  
KATHERINE L. BROMBERG

PARALEGAL  
RACHEL L. HORTON

\*Admitted in N.Y. & CT

\*\*Admitted in N.Y. & CA

March 18, 2011

**Via ECF**

Hon. David N. Hurd  
United States District Judge  
U.S. District Court for the  
Northern District of New York  
Alexander Pirnie Federal Bldg  
and U.S. Courthouse  
10 Broad Street  
Utica, New York 13501

***Re: Morin v. Tormey, et al.  
07-CV-0517 (DNH)(GJD)  
Our File No. 06-7759***

Dear Judge Hurd:

We represent the Plaintiff, Bobette Morin in the above-referenced matter. We write to the Court in response to letters dated March 17, 2011 for the attorneys for John R Voninski and James C. Tormey. Please be advised that in response to the letter from Judge Tormey's lawyer, the Plaintiff had no intention of withdrawing her claim for emotional distress damages.

Defendants indicate, *intra alia*, that they are seeking updated medical information from three providers who treated Ms. Morin to supplement information which was provided to the Attorney General's Office. The Plaintiff has no problem with determining if there are additional records that can be produced prior to the trial and if this was all that was requested there would not be an issue. However, we believe that if the Attorney General, which represented the Defendants for several years in this matter never saw fit to seek the information now being sought by the current counsel, with respect to ten other providers, this is essentially reopening discovery. Not only has discovery been closed over two years ago, this was confirmed by the Court at the recent pre-trial conference held in January. We believe providing this information presents a hardship for Ms. Morin because of the obvious burden that will be placed upon her to address this new information considering that

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the trial is scheduled to begin the first week in May. This is especially so when no attempt was made to obtain this information when discovery was still in effect two years ago. The addition of new counsel should not cause Ms. Morin to be prejudiced in any fashion, which is exactly what will occur if the Court permits counsel to proceed as requested. Therefore we request that the Court deny the Defendants application to provide medical authorizations and/or information with respect to the additional ten providers for whom no information was ever requested. Thank you for your anticipated consideration of Plaintiff's position.

Respectfully submitted,

/s/

WDF:dp

William D. Frumkin (BRN 104734)

cc: Charles J. Quackenbush, Esq. (via ECF)  
Edward Z. Menkin, Esq. (via ECF)  
Gary T. Kelder, Esq. (via ECF)  
Robert J. Smith, Esq. (via ECF)  
Robert Julian, Esq. (via Facsimile Transmission)  
Ms. Bobette Morin (via e-mail)

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